

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal Case No. CR 20-262 (ADM/ECW)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	MOTION FOR EARLY DISCLOSURE
)	OF JENCKS ACT MATERIAL
FOWZI ABDINASIR ELMI,)	
)	
Defendant.)	

Fowzi Abdinasir Elmi, through undersigned counsel, and pursuant to Rule 12 of the Federal Rules of Criminal Procedure, moves this court to enter an order requiring the government to submit Jencks Act materials to the defendant at least two weeks prior to the commencement of the trial, and in support thereof represents and alleges as follows:

1. That although a literal reading of the Jencks Act would require release of the pertinent materials until the testimony of any particular government witness is complete, the Act does not forbid its early disclosure.

2. That prior to cross examination of any such witness, a recess would be required to allow defense counsel to review said materials.

3. That unless this motion is granted, there will be delays in the trial of the above-entitled cause.

4. That the Jencks Act was enacted in 1959 and its effect has been modified by both the enactment of Rule 102 and Rule 403 of the Federal Rules of Evidence and the enactment of the Speedy Trial Act, Title 18, United States Code, Section 3161, et. seq.

5. That this court has the authority to order early disclosure of the Jencks Act materials to further the interest of prompt disposition of the business of the court.

WHEREFORE, Defendant prays that this court enter an order requiring the government to submit Jencks Act materials to the defendant at least two weeks prior to the testimony of each government witness.

Dated: January 24, 2021

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